

**PLANNING COMMISSION
AGENDA ITEM SUMMARY**

Meeting Date: June 22, 2005

Department: Planning

AGENDA ITEM WORDING:

An Amendment to the Major Conditional Use Application for the Galley Restaurant at the Ocean Reef Club.

ITEM BACKGROUND:

The applicant is proposing to reconstruct the Galley restaurant, which is located at the Fishing Village, within the private club grounds. The proposed development will consist of one, two-story structure that is 19,049 square feet in size. The "original" restaurant was 6,500 square feet and one-story high, but was very recently removed through a demolition permit. There are numerous other uses and structures that comprise the remainder of the Fishing Village. The proposed building will serve the residents and guests of the private club in a similar capacity as the existing facility.

ISSUES OF IMPORTANCE:

- The site is 1,328,144 square feet (30.49 acres), is scarified/ disturbed, and contained some landscape material before the demolition of the "original" Galley restaurant.
 - Structures of this nature and size are allowed in the Sub Urban Commercial (SC) Land Use District through a Major Conditional Use application.
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PREVIOUS RELEVANT COMMISSION ACTION:

Planning Commission approval of Resolution #P48-95 for Major Conditional Use approval.

STAFF RECOMMENDATION:

Approve with conditions

DOCUMENTATION:

Included

MEMORANDUM

To: The Monroe County Planning Commission

From: Jeff Stuncard, Principal Planner
Niko Reisinger, Senior Biologist

Date: June 15, 2005

RE: An Amendment to the Major Conditional Use for the Galley Restaurant at Ocean Reef

MEETING DATE: June 22, 2005

I. REQUEST

A) Applicant: The Ocean Reef Club, Inc.
Agent: The Craig Company

B) Proposed use and size: The applicant is proposing to expand the Galley Restaurant, which is located at the Fishing Village, within the private club grounds. The proposed development will consist of one, two-story structure that is 19,049 square feet in size. The existing restaurant is 6,500 square feet and one-story high, but was very recently removed through a demolition permit. There are numerous other uses and structures that comprise the remainder of the Fishing Village. The proposed building will serve the residents and guests of the private club in a similar capacity as the existing facility.

Location: Legally described as Pt SW1/4 of SW 1/4 (Fishing Village Stores Area) and Pt W1/2 of NW 1/4 (Boat Storage Area) on the Island of Key Largo, Monroe County, Florida. The Real Estate Numbers are 00081760.000000 and 00081880.000100.

C) Plans reviewed:

- Survey prepared by Whitney, Bailey, Cox, and Magnani, LLC., signed and sealed 2/28/05; and
- *Revised* Layout plan, Floor Plan, Existing Conditions and Demolition Plan, Landscape Plan, Geometry Plan, Grading Plan (with stormwater management calculations), Utility Plan, Site Detail Plan, FCAA Water Detail Plan, Sediment and Erosion Control, by Whitney, Bailey, Cox, and Magnani, LLC, dated 6/13/05.

D) Letters of coordination:

- Florida Keys Electric Cooperative, dated 4/15/05; and

- Florida Keys Aqueduct Authority, dated 4/15/05; and
- North Key Largo Utility, dated 4/15/05; and
- Florida Department of Health, dated 4/15/05; and
- U.S. Fish and Wildlife Service, dated 4/15/05; and
- U.S. Department of Environmental Protection, dated 4/15/05; and
- Monroe County Fire Marshal, dated 4/15/05; and
- South Florida Water Management District, dated 4/15/05.

II. BACKGROUND INFORMATION:

- A) Land use (zoning) district: Suburban Commercial (SC)
- B) Future Land Use Map Designation: Mixed Use/ Commercial (MC)
- C) Size of site: The site is 1,328,144 square feet (30.49 acres).
- D) Existing vegetation: The site is scarified/ disturbed, and contained some landscape material before the demolition was done.
- E) Community character of immediate vicinity: The project is located at 85 Fishing Village Drive amongst other uses that are predominately commercial in nature. The Fishing Village Shops are immediately adjacent and a marina and boat barn is located to the North/ Northwest, which is the only side of the site that does not abut water.

III. REVIEW OF THE APPLICATION:

Section 9.5-65 of the Monroe County Code (MCC) lists the standards applicable to all conditional uses. The standards and the planning staff's analysis are given below.

- A) The conditional use is consistent with the purposes, goals, objectives and standards of the plan and this chapter;

1. **Compliance with Chapter 9.5, Monroe County Land Development Regulations:** The project has been reviewed and found in **compliance** with the following Land Development Regulations:

- **Section 9.5-201 – General purpose**
- **Section 9.5-206 – Purpose of Suburban Commercial**
- **Section 9.5-235 – Permitted uses**
- **Section 9.5-269 – Density/Intensity**
- **Section 9.5-281 – Minimum yards**
- **Section 9.5-283 – Maximum height**
- **Section 9.5-317 – Flood plain management**
- **Section 9.5-326 – Energy and Conservation standards**
- **Section 9.5-335 – Environmental performance standards**
- **Section 9.5-345 – Environmental design criteria**
- **Section 9.5-352 – Off Street Parking**

- **Section 9.5-378 - Major Street Buffers**
- **Section 9.5-421 – Access standards**
- **Section 9.5-427 – Clear Sight Triangles**

- a. The project has been reviewed and found **not in compliance** with the following sections of the Land Development Regulations:

- **Section 9.5-349 – Shoreline Setbacks**

In regard to the structure violating the shoreline setback (on the southeast corner), there is an option for a Shoreline Setback Special Approval. Section 9.5-349(O)(1) of the MCC states that the Planning Commission may approve deviations from these requirements for waterfront dining areas, such as this. The Layout Plan does not specify exactly how much encroachment the proposal would entail, but it appears to scale at two (2) or three (3) feet.

- **Section 9.5-361-362 - Parking Lot Landscaping**
- **Section 9.5-377 - District Boundary Buffers**

*These sections have been combined due to the nature of the plans combining issues relating to both of these sections of the MCC.

Sheet C-3 indicates areas of landscaping that are not eligible for inclusion within the required square footage areas of landscaping. Areas separated from drives or parking surfaces by a walkway are not eligible, as are areas at the edges of drives or parking surfaces if they are wider than 5 feet. These plans do not dimension the area they claim is eligible for inclusion. The species list on sheet C-3 is listing as “shrub” numerous plants that cannot be counted as shrubs, Sea Oxeye Daisy and Bird of Paradise count only as Ground Covers, not shrubs. We have no requirement for numbers of ground covers in MCC, only that all

Section 9.5-262 of the MCC contains a drawing entitled “Limits of Areas Available for Parking Landscaping”. This drawing will allow those areas between parking spaces to be included. It will not allow areas at the edges of parking areas or drives that are either less than 3 feet wide or over five (5) feet wide. The area under the plan notes “Contractors Access Route” is wider than five (5) feet and cannot be counted in its entirety. The area approximately south of the octagonal “Proposed Covered Roof Deck” is also wider than the allowable five (5) feet, and cannot be counted in its entirety.

Areas at the front of the building that are separated from the parking surface by a walkway are also not eligible for inclusion, landscape areas must abut drives or parking surfaces directly, and they may not be under any roof.

The required Class ‘A’ parking lot landscaping for the total 77 spaces currently shown on site is 4,815 eligible square feet of land within which is planted 16 canopy trees 10 feet tall, three (3) under story trees five (5) feet tall and 39 woody shrubs three (3) feet tall. Seventy percent (70%) of the required plant material must be Keys

native, non-palm. These numbers (including the area) may change if the Planning Commission determines that a different number of parking spaces is required.

- **Section 9.5-347 – Open space requirements**

An environmental open space of 0.20 is required on the parcel proposed for development. Landscape areas may be included as open space, as can setbacks if they are not “built” however, pavers and parking areas regardless of the surface may not be counted in required open space. No section of the Land Use Plan addresses off-site open space as suggested by the applicant.

- **Section 9.5-354 – Number and Size of Loading Spaces**

Pursuant to MCC, Section 9.5-354, a restaurant use of this size will require one loading zone that is 11 feet X 55 feet in size. No loading zone is depicted on the site plan. The applicant stated at the DRC meeting that a use such as this at the Ocean Reef Club does not require this loading zone since large deliveries are “off-loaded” at another location and brought to individual uses via small trucks. A letter to this effect was to be supplied to staff, but has not been. It would seem logical that, based in part on the applicants comments, a loading zone of some sort would still be required.

- b. The project has been reviewed and **compliance has not been determined** with the following sections of the Land Development Regulations:

- **Section 9.5-294 – Wastewater Treatment**

While the North Key Largo Utility Corporation has approved this request, the Monroe County Department of Health will also have to issue its approval to ensure compliance.

- **Section 9.5-391-393 – Outdoor Lighting**

The height of the proposed lighting cannot be determined by the plans reviewed. Any lighting request would have to comply with Sections 9.5-391 through 393 of the MCC.

- **Section 9.5-395 - Waterfront Lighting**

The height of the proposed lighting cannot be determined by the plans reviewed. Any proposed lighting within 25 feet of a shoreline must be cut-off lights. A maximum height of 18 feet is allowed.

- **Section 9.5-293 – Surface Water Management**

Site plans Sheet C-2 indicate swales to be placed within landscape areas. This is an excellent idea that will provide water for the landscape material. Surface water management plans will be reviewed by the County Engineering Department.

Injection wells, if proposed, will require approval of the State of Florida Department of Environmental Protection. No off-site discharge will be allowed into near shore waters. South Florida Water Management District has indicated that an Environmental Resource Permit (storm water – wetlands review) will be required.

- **Section 9.5-351 – Off-Street Parking**

Pursuant to MCC, Section 9.5-351, the required off-street parking for a restaurant is 14 spaces for spaces per 1,000 gross feet of floor area. The total number of parking spaces for 19,049 square feet of floor area would be 267 spaces. The site plan currently depicts 77 total parking spaces on the layout plan, inclusive of regular, handicapped, and golf cart spaces. The applicant has submitted a letter stating that 159 additional parking spaces will be available elsewhere on the site, but no site plan has been submitted which depicts these spaces. A site visit revealed that some of this parking is currently used for boat storage. Four (4) of the required parking spaces must be handicap accessible. Regular parking spaces must be 8'5" X 18' and handicapped spaces must be 12' X 18' with an adjacent 5' X 18' loading zone. The handicapped spaces must be paved and safely provide an impervious surface from the space to the use. They must also have signage designating that it is reserved for handicapped use, and indicate a \$250 fine for violators. If the parking lot is proposed to be paved, the parking spaces must be striped. Areas with a gravel surface must have bumper stops to delineate each space.

The applicant has supplied staff with supplemental information to explain why the number of parking spaces will be sufficient. This includes:

- The use of golf carts within the private community; and
- Additional parking located elsewhere on the site; and
- The restaurant will not be open for breakfast or lunch (dinner only); and
- Workers utilize public transportation to the site.

As in the past, staff is amenable to incorporating golf cart parking into any revised site plan, given the nature of the Ocean Reef Club as a golf cart community. It should be noted that the parking regulations are in the process of being revised and staff acknowledges the need to review and modify this section to address golf cart parking specifications.

- **Section 9.5-426 – Traffic Study**

As of this writing, the Monroe County Traffic Consultant has not rendered an opinion on the traffic letter that was submitted by the applicant. The letter states that no new trips on U.S.1 will be generated by the patrons of the restaurant, but that new employees required to staff a much larger building might generate new trips.

- **Section 9.5-403 – Signage Provisions**

The Monroe County Traffic Consultant will need to evaluate any internal directional signage to control traffic flow and ensure that health, safety, and welfare issues have been addressed.

*Staff recommended that the applicant submit a letter stating that certain aspects of the project be clarified and endorsed by the Ocean Reef Club. The physical aspects included addressing the lack of parking, open space, and a loading zone. The procedural aspect of this recommended letter was to indicate that it was the Ocean Reef Club that requested this be scheduled before the Planning Commission as soon as possible, even though additional time and information might have helped resolve some of staffs' concerns.

IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. Based on the plans submitted, portions of the proposed structure will violate setbacks.
2. Based on the site plans submitted, there is insufficient eligible parking lot landscape area to meet the requirements of class 'A' landscaping for the parking spaces.
3. Based on the site plans submitted, the environmental open space of 0.20 is not being met on the parcel proposed for development. Pavers and parking areas may not be counted in required open space and no section of the land use plan addresses off-site open space as proposed by the applicant.
4. Based on the plans submitted, the site will require one loading zone that is 11 feet X 55 feet in size.
5. Based on the application submitted, Section 9.5-294 of the MCC, which pertains to wastewater treatment issues, will need to be addressed by all relevant agencies.
6. Since the proposed lighting cannot be evaluated by the plans submitted, any lighting request would have to comply with Sections 9.5-391 through 395 of the MCC.
7. Based on the application, the surface water management/conceptual drainage plan will need to be reviewed by the County Engineer.
8. A South Florida Water Management District Environmental Resource Permit modification will be required.
9. Based on the plans submitted, the required number of parking spaces has not been met on this site, but additional factors and findings may preclude this from being necessary.
10. Based on the plans submitted, the Monroe County Traffic Consultant must approve the traffic letter.
11. Based on the plans submitted, a revised site plan may be required which indicates the internal signage.

12. Based on comments from the Development Review Committee meeting, the applicant was advised to submit a letter addressing staffs' concerns regarding unresolved issues for the Planning Commission to review and render a decision on.

V. RECOMMENDED ACTION:

Based on the Findings of Fact and Conclusions of Law above, the Planning Staff recommends **APPROVAL** to the Monroe County Planning Commission with the following conditions:

1. Per Section 9.5-349(o) (1) of the MCC, a Shoreline Setback Special Approval is required by the Planning Commission for portions of the proposed structure.
2. Before the project can be officially approved, the applicant shall address the parking lot landscape area for class 'A' landscaping, which is currently insufficient.
3. The environmental open space of 0.20 is not being met on the parcel proposed for development. This shall be addressed before the project can be officially approved.
4. The site will require some sort of loading zone that is normally required to be 11 feet X 55 feet in size unless the Planning Commission approves an alternative.
5. Wastewater treatment issues will need to be addressed by all relevant agencies prior to the issuance of a Certificate of Occupancy.
6. All lighting shall comply with Sections 9.5-391 through 395 of the MCC.
7. The surface water management/conceptual drainage plan will need to be approved by the County Engineer prior to the issuance of a Certificate of Occupancy.
8. The South Florida Water Management District Environmental Resource Permit modification will be required prior to the issuance of a Certificate of Occupancy.
9. The applicant shall demonstrate that the proposed parking will be sufficient for the site.
10. The Monroe County Traffic Consultant must approve the traffic letter prior to issuance of a Planning Commission Resolution.
11. A revised site plan may be required which indicates the internal signage. If so, this shall be depicted on a revised site plan prior to submitting a building permit.
12. The applicant submitted a letter (on 6/15/05) regarding unresolved issues that the Planning Commission shall take action on.